

### **Remarks**

Claims 7 - 25 are pending. Favorable reconsideration is respectfully requested.

The Information Disclosure Statement of July 12, 2004 has been objected to. Applicants are unaware of the basis for this objection, as their files indicate that copies of each foreign reference or an English language equivalent thereof was supplied to the Office. Applicants believe, therefore, that documents may have become disassociated with the file in the United States Patent and Trademark Office mailroom or during the scanning operation.

Submitted herewith are further copies of each foreign reference and their English language counterparts and/or abstract, if the foreign reference is not in the English language. Submitted also is a second copy of the letter by Dr. Helmut Fritz of Wacker-Chemie which explains the relationship between the respective documents.

No fee is believed due for this submission. However, if this is incorrect, the Office is empowered to charge any fee due to Applicants' attorney's deposit account 02-3978. Consideration of all the references is respectfully requested.

Applicants wish to draw the Examiner's attention to the fact that Schindler et al. PCT application WO 02/077072 A1 designated the United States, and has in fact entered the U.S. National Stage as U.S. Application Serial No. 10/471,955.

Claims 22 - 25 have been "objected to" and rejected under 35 U.S.C. § 112 ¶1 as set forth in the Office Action on page 2. Claim 22 has been amended to indicate that the structural formula is formula "(2)"; to add definitions of  $R^1$ ,  $R^2$ , and a from claim 7, on which 22 is dependent; and to add the proviso that 5 - 100% of the isocyanatosilanes bear but one alkoxy group, thus corresponding to the same proviso of claim 7. Withdrawal of the objection to claims 22 - 25 is solicited.

Claims 22 - 25 have been rejected under 35 U.S.C. § 102(e) over *Majolo* et al. U.S. Patent 6,790,903 ("*Majolo*"). Applicants respectfully traverse this rejection. As the Examiner indicated in discussing the allowability of claims 7 - 21 over *Majolo*, the polymers of the subject invention have specially selected end groups and a proportion of monoalkoxy-terminated end groups not disclosed, taught, or suggested by *Majolo*. In view of the amendment of claim 22 to require the 5 - 100% proportion of the latter groups, Applicants believe claims 22 - 25 now patentably distinguish over *Majolo*. Withdrawal of the rejection of claims 22 - 25 under 35 U.S.C. § 102(e) over *Majolo* is respectfully solicited.

Claims 7 - 13, 17 - 20, and 22 - 25 have been rejected under 35 U.S.C. § 102(a) as anticipated by Schindler et al. WO 02/077072 ("*Schindler*"), commonly assigned. Submitted herewith is a copy of the English translation of the present application's German priority document, filed January 17, 2002, filed January 17, 2002, prior to the October 3, 2002 publication of *Schindler*. Applicants' attorney hereby certifies that the English translation is an accurate translation of the priority document, entitling Applicants to their German priority date of January 17, 2002. *Schindler* is thus not prior art to Applicants, and withdrawal of the rejections of the claims over *Schindler* is solicited.

Applicants further note, however, that *Schindler* does not disclose, nor does he teach or suggest the claimed polymers. First, *Schindler* does not disclose, teach, or suggest that 5% to 100% of the alkoxysilane endgroups be monoalkoxy endgroups.

Second, while *Schindler* allows the terminal alkylalkoxysilyl group to be separated from the remaining polymer by means of a methylene group [See, e.g. page 8, lines 24 - 25], all the examples utilize a propylene spacer, and thus *Schindler* did not recognize the enormous benefits of a methylene spacer as compared, e.g. to propylene, nor would one skilled in the art glean the very important and surprising and unexpected benefits conferred by use of a methylene spacer.

Finally, with respect to claims 22 - 25, *Schindler* teaches reaction of an organic

diisocyanate with a prepolymer to form an isocyanate-terminated polymer, followed by reaction with an isocyanate-reactive silane. This is exactly the opposite of Applicants' process, wherein an isocyanate-reactive silane is reacted with an isocyanatomethylalkylalkoxysilane. Thus, *Schindler* does disclose, nor does he teach or suggest the subject matter of claims 22 - 25.

Withdrawal of the rejections over *Schindler* is solicited.

Applicants submit that the claims are now in condition for Allowance, and respectfully request a Notice to that effect. If the Examiner believes that further discussion will advance the prosecution of the Application, the Examiner is highly encouraged to telephone Applicants' attorney at the number given below.

Respectfully submitted,  
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